

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Resignations and Separations
Section No. : 25

Effective Date: 09/15/03
Supersedes Policy: 01/22/88

I. PURPOSE

It is the objective of the Board of Supervisors to identify types of separation from County Government employment.

II. SCOPE

This policy applies to all employees.

III. DEFINITIONS

A. Dismissal

Dismissal is defined as the involuntary separation of a probationary employee or other employee who has no appeal rights.

B. Lay-off

Lay-off is defined as separation from County Government employment as a result of lack of funds or work and/or the elimination of one or more program functions.

C. Resignation

Resignation is defined as the voluntary separation of an employee from County Government service.

D. Retirement

Retirement is defined as separation from County Government employment wherein an eligible employee receives a fixed benefit payment. The amount of the benefit is based on the employee's years of service, age at retirement, and the average of the employee's 36 consecutive months of highest salary.

F. Unsatisfactory Service Separation

Unsatisfactory service separation is defined as the involuntary separation of an employee, who has appeal rights, for unsatisfactory performance or violations of policy.

IV. **PROCEDURES**

A. Types of Separations

Employee separations shall be designated as one of the following types:

- a. death;
- b. dismissal;
- c. layoff;
- d. resignation;
- e. retirement; or
- f. unsatisfactory service separation.

B. Death

The death of an active employee shall be reported to the Human Resources Director as soon as a department is aware. All payments due the deceased employee shall be made "to the estate of" said employee.

C. Dismissal

1. In situations of dismissal, whenever possible, the employee shall be given advance notice of the dismissal.
2. An employee who is dismissed shall be entitled to payment for compensatory leave; shall not be entitled to any accrued but unexpended sick leave; and may be entitled to accrued annual leave in accordance with policies governing leave and upon approval of the employee's Department Head/Constitutional Officer.

D. Layoff

1. An employee may be laid-off as a result of lack of funds or work and/or the elimination of one or more program functions. Such lay-off may result from policy decisions made by the Board of Supervisors, program modifications, or funding shortfalls.
2. Specific regulations for lay-offs are set forth in the Reduction in Force policy.

E. Resignation

1. It is the responsibility of an employee who plans to resign to notify his/her immediate supervisor, in writing, at least ten working days prior to the last day of work.

Policy Title: Resignations and Separations	Section No. 25	Page 3 of 4
---	-------------------	----------------

2. An employee who resigns without satisfactory notice and thereby, in the opinion of the Department Head/Constitutional Officer, impairs the effectiveness of work processes, shall have his/her separation designated as unsatisfactory.
3. An employee who resigns without required notice may lose ten days of credited annual leave but shall be paid for any accumulated annual leave in excess of ten working days, up to the annual leave payout maximum.
4. An employee who resigns with required notice shall receive payment for annual leave, sick leave and compensatory leave for which he/she is eligible according to the policies governing such leave.

F. Retirement

1. No Mandatory Retirement Age

There is no mandatory retirement age for employees.

2. Disability Retirement

- a. Any employee, regardless of years of service, is eligible to apply for disability retirement while employed or within 90 days after termination, so long as:
 - a1. while employed, the employee acquires a disabling condition that is likely to be permanent, as documented by a physician; and
 - a2. the condition prevents the employee from performing his or her job.
- b. The amount of disability benefits shall vary according to an employee's years of service and age.

3. Retirement as an Alternative When an Employee Becomes Unable to Perform the Job

- a. If an employee becomes mentally or physically incapable of performing his or her job, and there is no reasonable accommodation, including through transfer or demotion to another position, that will enable the employee to perform the job, the County may require the employee to apply for disability or early retirement.
- b. If an employee, such as one described in section F.3.a. above, declines disability or early retirement the County may apply the

Policy Title: Resignations and Separations	Section No. 25	Page 4 of 4
---	-------------------	----------------

Standards of Conduct policy to address unsatisfactory performance.

G. Unsatisfactory Service Separation

1. Unsatisfactory service separation may be imposed for violation of County policies and for less than satisfactory job performance.
2. Appointing authorities may involuntarily terminate non-probationary employees where circumstances warrant such action. Such non-probationary employees may be separated for unsatisfactory service, for any action or failure to act which seriously impairs the efficiency of County Government, tends to bring it into disrepute, or results in an overall loss in confidence in the employee by the appointing authority. Such loss in confidence shall be based upon identified deficiencies in performance.
3. An employee separated for unsatisfactory service is entitled to an advance notice of ten working days unless immediate separation is required for the good of the County. The employee's Department Head/Constitutional Officer shall have the option to compensate the employee for the ten working days in the event that an immediate separation is necessary.
4. An employee separated as a result of unsatisfactory service shall be entitled to payment of compensatory leave; shall not be entitled to any accrued but unexpended sick leave; and may be entitled to accrued annual leave in accordance with the policies governing such leave and upon approval of the employee's Department Head/Constitutional Officer.
5. The Human Resources Director must review and concur in all unsatisfactory service separations prior to such separations becoming final.